


Successful Transition and Reentry for Safer Communities:

A CALL TO ACTION FOR PAROLE

By Peggy Burke
and Michael Tonry



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ACKNOWLEDGEMENTS

Parole seems to us an inexorably important part of any serious effort to improve prospects for prisoners' successful reentry into society. We've tried to explain why we think that is so and what might be done to make it so in states where policy makers agree. The arguments and analysis are our own but benefited greatly from advice from many people, including James Austin, Madeline Carter, Patricia Caruso, Bryan Collier, William Dressel, Trudy Gregorie, Paul Herman, Gail Hughes, Kermit Humphries, Michael Lawlor, Elizabeth Nevins, Becki Ney, Marilyn Scafe, Richard Stroker, Carl Wicklund, and Joseph Williams, many of whom generously attended a conference in Silver Spring, MD, to discuss an earlier draft. This effort would not have been possible had not Gail Hughes, Secretary of the Association of Paroling Authorities International, thought it worth doing and taken the initiative to seek support from the JEHT Foundation to make it possible, and had not JEHT provided that support. We are grateful to them all.

Peggy Burke
Michael Tonry
June 2006

INTRODUCTION

SUCCESSFUL TRANSITION AND REENTRY FOR SAFER COMMUNITIES: A CALL TO ACTION FOR PAROLE

The release each year of hundreds of thousands of people from prison to communities all across America has established offender reentry as a high profile issue on national and state policy agendas.¹ In fact, this interest in reentry is evidence of a virtual sea change in how communities and corrections professionals think about prisons, offenders, and community safety. Both ordinary citizens and public officials have begun to recognize that, once offenders have been held to account and served their time, their ability to transition to the community as law abiding citizens is in the interest of public safety—as well as in the interest of victims, offenders, and offenders' families.² This clear understanding of the public safety dimensions of successful reentry—by ordinary citizens and public officials—is a significant opportunity. It is an opportunity to refashion our system to accomplish the twin goals of successful reentry and community safety. But it will not be easy. It will require the commitment and the best efforts of a wide range of stakeholders—including parole.

The urgency of this call to action stems from several critical factors. First, a major proportion of offenders failing upon reentry—and returning to prison—are doing so as a result of parole violations and revocations. This is the immediate purview of paroling authorities and supervision agencies and must be addressed. Second, one of the most basic and compelling lessons emerging from the research about enhancing successful reentry is the importance of targeting resources to higher risk offenders according to needs related to their criminality. Paroling authorities and parole supervision agencies can be powerful agents of change in shaping how resources are targeted as offenders reenter the community. Third, paroling authorities are well positioned to reduce the severe fragmentation that hampers criminal justice system efforts. Their responsibilities span an offender's time in prison, preparations for release, and actual return to the community. Paroling authorities, with their institutional and supervision partners, can bridge the fragmentation and provide coherent oversight of reentry. Lastly, this is an urgent call to action because the window of opportunity will not remain open indefinitely. One of the sources of public concern about reentry is the high rate of recidivism and failure that characterizes reentering offenders. If concern about public safety is to be addressed, recidivism rates will need to be reduced, success

This paper is intended as an urgent call to action:

- For paroling authorities and parole supervision agencies—to step up to the challenge of defining their role in reentry and equipping themselves to do so;
- For criminal justice policy makers—to assure that paroling authorities and parole supervision agencies are engaged in the reentry discussion and part of collaborative efforts to enhance successful reentry; and
- For state legislative bodies and governors—to articulate a clear mission of successful offender reentry in the service of community safety, and to equip their parole leaders with the discretion, resources, and authority to help accomplish this mission.

¹ Travis 2005; Travis and Visser 2005.

² The Reentry Policy Council 2003, p.2.

rates increased, and rates of return to prison significantly lowered. At present, interest to address the problem abounds. If evidence of improvement is not forthcoming, then this momentum will certainly dissipate and this window of opportunity will close. It is important to act now.

Indeed, a wide range of public agencies, private organizations, community groups, and individuals are rightly called to action on this issue. But there has been relatively little attention paid to parole as a key stakeholder with respect to reentry—hence the focus of this paper and its *Call to Action for Parole*.

At times, it is not even clear what the term “parole” means, its use varies so much from state to state. In this paper, the term “parole” refers to all of the agencies and functions having to do with discretionary release, mandatory but conditional release, post release supervision, setting of conditions, and revocation of offenders who have served time in prison and who reenter the community through some form of conditional release. Key parole stakeholders include both paroling authorities—responsible for discretionary release, setting parole conditions, and responding to parole violations—and parole supervision agencies—responsible for supervising offenders once released to parole, and for bringing parole violations to the attention of the paroling authority.³

A NEW VISION

Lessons from history, a sizable body of rigorous research, and an emerging consensus about the importance of reentry create a realistic possibility of a time when our criminal justice systems can be more effective and less costly. This could be a time when rates of recidivism among those released from prison are decreasing; when people reentering the community from prison have better survival skills, greater capacities to succeed, and stronger formal and informal networks of support. It could also be a time when increasing percentages of those released find stable housing and employment, and more keep the jobs they find; when rates of prison readmission as a result of parole revocations are decreasing; and when costs to build and operate prisons for the re-incarceration of those previously released are decreasing.

THE MISSION

This vision can be realized—but it will require a changed sense of mission, a mission that goes beyond simply incapacitating and holding offenders accountable by imposing a period of incarceration. This changed mission will include mobilizing our knowledge and resources to do what we can to assure that offenders will be less likely to commit new crimes once they are released. Such a mission will require:

- Prison administrators who see custody and control as resources to be used to create environments in which preparation for successful return to the community can take place, and where offenders are equipped for such a return;
- Paroling authorities who collaborate with correctional institutions, parole supervision agencies, and community resources to create incentives for offenders to change, encouraging participation in appropriate programs, and setting conditions that facilitate successful reentry. This same body will be instrumental in targeting appropriate interventions to appropriate offenders according to risk and needs—both as offenders are preparing for release, and as they are adjusting to community life after release.
- Parole supervision agencies who organize their efforts around supporting successful completion of transition—linking offenders with targeted programs to reduce their risk and enhance their strengths, and connecting them with networks of formal and informal support in the community.
- Correctional leaders—within prisons, paroling authorities, and parole supervision agencies—who integrate evidence from research into their practices—particularly the use of empirically-based, validated assessment methods and the development and support of interventions that have been shown to reduce the likelihood of failure during reentry. And
 - Policy makers of all stripes who work collaboratively across traditional boundaries of agency, level, and

³ Sentencing and corrections systems vary so widely from state to state within the U.S. that it may be helpful to define a number of terms as used here. See page 12 for definitions of terms used in this paper.

branch of government and the private sector to embrace and accomplish the mission.

This mission will also require a single, dynamic transition and reentry plan—developed shortly after intake into prison—that will express the agreed-upon strategy to enhance successful reentry for a particular offender. It would be used to guide involvement in in-prison programming, the setting of release conditions, and the management of offenders after release. It would be designed to incorporate both formal and informal networks of support, and would be refined as circumstances change over time. This plan would be used by—and modified by—prison staff, the parole board, field supervisors, the offender, and staff of community agencies to guide preparations for release, release decisions, and responses to violations of conditions. It would seek to prevent avoidable crimes, save public monies, and help released prisoners succeed.

THE ROLE FOR PAROLE

This call to action may seem surprising. Parole boards are viewed by some as vestiges of mid-20th century sentencing schemes that have long been in decline. Parole supervision agencies, likewise, are viewed by some as the source of troublesome readmissions to prison arising from technical revocation of parole—hardly an ally in successful reentry. This paper will make the case that parole is a critical link in a successful reentry strategy—a link that may well be weakened or missing in some jurisdictions. Unique among criminal justice agencies, parole boards and parole supervision agencies have the potential to manage offenders' movement out of prison and into the community. They could coordinate the delivery of services and provide the oversight needed to help offenders become law-abiding citizens, contributing positively to their communities. Parole, however, has long been overlooked and under-resourced, a pattern that must be changed if parole is to play the central role that it can and if reentry efforts are to succeed. This paper will define parole boards and parole supervision agencies as necessary and potentially critical partners in accomplishing the mission of successful reentry for community safety. Not only is there public support for the mission, there is growing evidence from the research about what programs can help us, what tools to use to assess risk and needs, and how we can integrate the lessons of research into managing offender reentry. Parole is uniquely situated to play a critical role in making this happen.

In the two-thirds of states where discretionary parole release survives, the parole board's responsibility for the timing and conditions of release positions it ideally to manage reentry—working early on with institutional staff, and anticipating release and reentry with parole supervision staff. Even where discretionary parole release no longer exists, parole boards set the conditions of release and supervision and make revocation decisions. They have an almost unavoidable role to play in making reentry work.

Following release, reentry plans must evolve into effective strategies to guide supervision and participation in community programming. Parole supervision agencies are well positioned to link offenders to programs and resources. They are also positioned to target supervision and treatment programs to higher risk offenders. They can incorporate the principles of evidence-based practice in their case management strategies, using routine interactions with offenders to engage offenders in the process of change, enhance motivation, and provide positive feedback. They are also in the best position to develop—in collaboration with the paroling authority—measured responses to non-compliance including, in appropriate cases, initiation of revocation proceedings.

However, for reasons we will explore in greater detail below, parole boards and parole supervision agencies have received relatively little attention from policy makers and funders in recent years. This needs to change if reentry efforts are to succeed.

***“This
paper will
define parole
boards and parole
supervision
agencies as...
critical partners
in...successful
reentry for
community safety.”***

Strengthening of parole—in relation to both discretionary release and supervision—is an essential element of any state’s efforts to increase successful reentry.

This new vision, mission, and set of expectations for parole are achievable. They make no heroic assumptions about what can be accomplished and rest on uncontroversial claims about the world. They are premised on current knowledge about successful programs and what makes them successful, about documented capacities of risk assessment instruments, and about evidence-based principles of effective offender management.

This paper explains how and why that vision, mission, and set of expectations for parole can be realized and how offenders, communities, and taxpayers will benefit. There are four sections. The first outlines why the interest in reentry is so strong, outlines the consequences of doing a poor job on reentry, and makes the case for involvement of parole boards and parole supervision agencies as one of the necessary conditions to successful reentry. The second summarizes a growing and increasingly authoritative body of research demonstrating the effectiveness of correctional treatment programs, the availability of empirically-based and validated assessment instruments for matching programs to offenders, and the evolution of principles guiding effective management of programs and oversight of offenders. The third section provides historical context and reasons to believe that conditions are now right for change. The fourth outlines a call to action.



ONE

SUCCESSFUL REENTRY AS COMMUNITY SAFETY

Between 600,000 and 700,000 people complete their prison sentences each year and return to communities all across America. Those numbers have accomplished something that decades of debate about crime and justice failed to do. They have convinced numerous people and organizations—Republicans and Democrats, liberals and conservatives, corrections officials and judges, public and private sector agencies—that helping ex-prisoners succeed serves the interests of both offenders and communities. President George Bush in his 2004 State of the Union address, reminded Americans that theirs is the “land of the second chance,” and called for a \$300 million federal initiative over four years to provide jobs, transitional housing, and community support to people returning from prison. Senate Bill 1934, the “Second Chance Act: Community Safety through Recidivism Prevention,” introduced in the U.S. Congress in October 2005, embodied the emerging consensus that sentencing and correctional systems must redouble their efforts to help ex-prisoners make the transition successfully. Once a deserved punishment has been served and a prisoner has been released, the interests of community safety and offender success converge. Communities are safer and victimization is reduced when offenders succeed.

Widespread interest in reentry can be seen in the number and variety of initiatives underway nationally.

- The Reentry Policy Council was established by the Council of State Governments (CSG) to develop bipartisan recommendations that policy makers can use to improve the likelihood that adults released from prison or jail will avoid crime and become productive, healthy members of families and communities. CSG partnered with 10 organizations to guide its work and to coordinate the work of advisory groups in a range of public policy areas.⁴
- The National Governors Association has established a Prisoner Reentry Policy Academy, whose first initiative was to work with seven states—Georgia, Idaho, Massachusetts, Michigan, New Jersey, Rhode Island, and Virginia—to develop strategic action plans for prisoner reentry that coordinate services across agencies, at state and local levels, and build on lessons from current research. Each state assembled an interdisciplinary reentry policy team comprised of five to seven representatives from governors’ offices and key agencies, including corrections, public safety, health and human services, welfare, workforce, and housing.
- An International Reentry Association was recently formed by correctional leaders in North America, with hopes of reaching out to a broader international community. The Association’s stated mission is “to foster victim and community safety through...the successful reintegration of offenders” and to bring attention and focus to the importance of reentry as a criminal justice policy issue.
- Private foundations are also joining the dialogue regarding reentry. For example, the JEHT Foundation is providing support to the Michigan Prisoner Reentry Initiative, a collaborative effort bringing together government officials, consultants, and private service providers to support successful reintegration of people into their communities and to lower Michigan’s recidivism rate. The Reentry National Media Outreach

⁴ Partner organizations with CSG in its Re-entry Policy Council work included: American Probation and Parole Association; Association of State Correctional Administrators; Corporation for Supportive Housing; National Association of Housing and Redevelopment Officials; National Association of State Alcohol/Drug Abuse Directors; National Association of State Mental Health Program Directors; National Association of Workforce Boards; National Center for State Courts; Police Executive Research Forum; and the Urban Institute.

TERMINOLOGY

Sentencing and corrections systems vary so widely from state to state within the U.S. that it may be helpful to define terms.

Parole is meant to suggest the full panoply of parole authorities, entities, and activities.

Paroling authority is used to describe the legal entity with responsibility for considering and authorizing discretionary release from prison, setting conditions of release, and revoking parole once granted. Some are independent state agencies; some operate within departments of corrections. Terminology varies widely, including such terms as parole board, parole commission, and parole hearings board.

Discretionary release is any release from state custody that results from the discretionary decision of a paroling authority, rather than from completion of a determinate sentence. The roles that paroling authorities play in adjusting the timing of release, and creating incentives for offender engagement in effective programming, vary widely from state to state.

Conditional release is any release from state custody that results from operation of sentencing law and automatic calculation of good time, and that carries with it a period of supervision and a requirement the offender agree to “conditions” of release. Violation of these conditions after release can result in revocation and return to prison.

Conditions of parole/conditions of release are requirements placed on offenders by a paroling authority as they leave prison under supervision. Examples include requirements to report to parole officers, to participate in treatment, to pay fees, and to secure and keep a job. Violation of conditions is grounds for revocation and return to prison.

Revocation of parole is an action taken by a paroling authority to revoke conditional release. Even where the conditional release was NOT the result of a paroling authority’s discretion, revocation is permitted when there is a violation of conditional release. Paroling authorities are typically authorized to revoke parole when there is a preponderance of the evidence—or an admission—that the offender has violated a condition of parole, any condition of parole. In most instances revocation results in return to prison for some period, up to the original length of the sentence.

Parole supervision describes the legal responsibility of some entity (**a parole supervision agency**) to supervise an offender who has been conditionally released. Typical supervision activities include monitoring for compliance with conditions and routine contacts with a parolee in an office setting or in the community. Another key responsibility is detecting violations of parole and bringing such violations to the attention of the paroling authority.

Parole violation is non-compliance with some condition of supervised release. A parole violation may be criminal in nature—a standard condition requires parolees to remain crime-free. A **technical violation** is failure to comply with a condition that, were the individual not on parole, would not be considered criminal.

Campaign, supported by the Annie E. Casey Foundation, is seeking to develop a variety of media resources that can be of assistance in motivating and mobilizing community action.

- The National Institute of Corrections’ Transition from Prison to the Community Initiative is working with eight jurisdictions (GA, IN, MI, MO, ND, NY, OR, RI) to develop a coherent, multi-disciplinary strategy to enhance effective offender reentry and the reduction of recidivism.
- The Serious and Violent Offender Reentry Initiative (SVORI) administered by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, has provided grant funding to nearly every state to develop resources for reentering offenders who meet the initiative’s criteria. Under SVORI, the Justice Department is supporting the development of training on best practices on reentry for supervision agencies.

As these illustrations demonstrate, policy makers across the country recognize the importance of reentry as a problem and acknowledge the evidence on which the reentry movement is based. What is needed are ways to combine diverse efforts into comprehensive, integrated strategies and approaches. Parole is a critical—and sometimes missing—piece.

This new consensus has been a long time coming. Beginning in the 1970s, state and federal policy makers lost enthusiasm for rehabilitative programs aimed at helping offenders. They focused instead on assuring that offenders received just and appropriate punishments. This happened for a number of reasons. Evaluation research seemed to show that few rehabilitative programs reduced re-offending. Rising crime rates through the early 1990s created demands for tougher and surer punishments. The sentencing reform movement concentrated on regularizing sentences and making their imposition more consistent. Parole release was eliminated in the federal system and in a third of state systems, and parole everywhere lost credibility and resources. With

these changes came a five-fold increase in the number of inmates in American prisons.

But those who go in must come out. This is true of at least 93% of those sentenced to prison.⁵ Huge numbers of individuals complete their prison sentences each year and return to communities throughout the nation. In 2003, some 656,320 individuals, more than the population of Washington, D.C., were released from

state and federal prisons,⁶ three times more than the 226,000 released in 1983 and half again more than the 457,000 released in 1994.⁷ (See Figure 1.) It is this massive movement of individuals from prison back to communities that has sparked public interest.

THE SIGNIFICANT CONSEQUENCES OF UNSUCCESSFUL REENTRY

Unfortunately, the vast majority of people re-entering society from prison in recent years has not managed to successfully complete the transition. Over half return to prison within three years.⁸ Between 1990 and 2004, the percent of those successfully completing state parole has not gone above 45%. (See Figure 2.)

The reasons for reentry failure are complex—some clear, some not so clear. Many

Figure 1:
Trends in Release from Federal and State Prisons and Returns for Violating Parole or Other Conditions

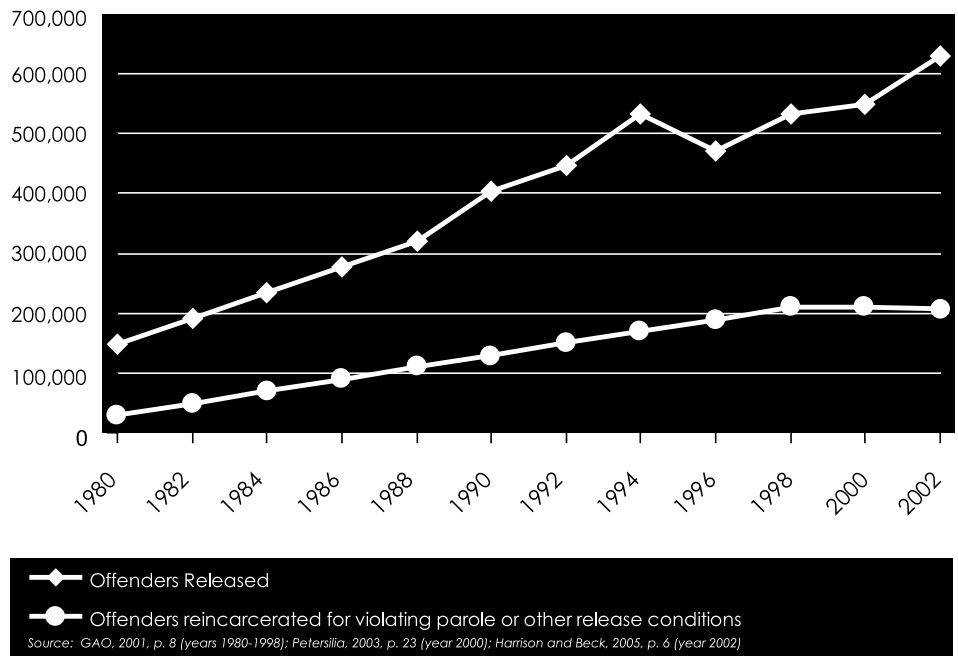
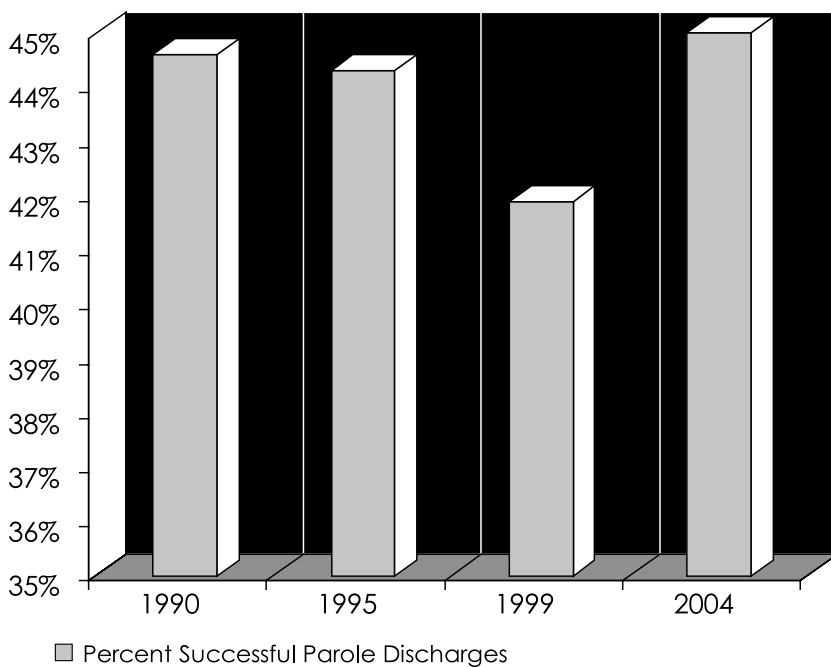


Figure 2:
Percent Successful Among State Parole Discharges, 1990, 1995, 1999, and 2004



⁵ Petersilia 2005, p. 45.

⁶ Harrison and Beck 2005, Table 7, p.6.

⁷ Harrison 2000.

⁸ Langan and Levin 2002, p. 1.

returning offenders have serious deficits, such as drug dependence and mental health problems, and many lack jobs or job skills, incomes, stable homes, and support networks. Many will fail by committing new crimes, victimizing community members, and destabilizing their families and communities. Others will fail by committing technical violations of their parole conditions and will be revoked to prison by the action of a paroling authority.

Slightly less than half of those who are returned to prison have been convicted of new crimes. More than half of those who are returned are recommitted because they have violated technical conditions of their release.⁹ In 2001, 37% of ALL admissions to prison nationwide were the result of parole revocations—not the result of new convictions.¹⁰ That's up from 17% in 1980 and 30% in 1990 and probably significantly understates the current rate. This is an enormous and largely wasted expense. Processing admissions of parole violators takes as much time and costs as much money as processing admissions of new convictions, thus entailing nearly a fifth¹¹ of the prison system's admission and classification costs—and for offenders who mostly will be in prison only for a few months.

Those failures—new victims, disrupted communities, and soaring incarceration costs—are tragic, because many are avoidable. The substantial resources currently invested in re-imprisonment represent a huge opportunity cost—claiming resources that could much more effectively be directed to efforts demonstrated to reduce recidivism—benefiting potential victims, offenders, and society at large.

These numbers, dismal in themselves, show how much room there is for improvement. If rates of re-offending and technical violations can be reduced through improved handling of reentry, and they can, we can prevent victimization, save money, reduce the number of people committed to prison, bring down the parole failure rate, and reduce the proportion of parole failures among prison commitments.

In sum, ex-prisoners who fail generate new victims, reduce public safety, and create enormous costs to process and punish their new crimes and technical violations. They also diminish their own lives and damage the lives of their families and loved ones. Everyone loses. Ex-prisoners who succeed spare the rest of us those costs but also contribute to their communities, support themselves and their families, and improve their own lives. Everyone wins.

⁹ *Ibid.*

¹⁰ Blumstein and Beck 2005, Figure 3.3.

¹¹ Using 2001 data, when revocations constituted 37 % of admissions and 51 % of these were for technical violations ($51 \times 37 = 18.87\%$).



TWO

WHAT WE KNOW ABOUT SUCCESS

If successful reentry for community safety is what we're pursuing, then it seems reasonable to ask whether we know how to enhance success. At one time, the conventional wisdom was that we did not know how to reduce the likelihood of recidivism, nor to enhance success. Things have changed since the 1974 publication of Robert Martinson's "What Works—Questions and Answers about Prison Reform." Although Martinson's claims about the evidence on program effectiveness were not as bleak as many supposed, a notion that "nothing works" fit the temper of those times. Many people were worried about sentencing disparities, racial bias, and abuses of discretion and, if treatment were ineffective, there was no good reason to retain the individualized approach of indeterminate sentencing. The move toward a new rationale for sentencing began. As the proponents of the new approach put it, if we couldn't rehabilitate offenders, then we ought to be honest about the fact that all we could hope to accomplish with incarceration was punishment. And punishment should be appropriate to the severity of the crime, and must be fair and even-handed.

In the early 21st century, however, there is substantial evidence that we can do more than punish. We can also reduce the likelihood that offenders will re-offend. One of the most recent authoritative surveys of correctional evaluations, released in January 2006 by the Washington State Institute on Public Policy, concludes, "Some types of adult corrections programs have a demonstrated ability to reduce crime."¹² The survey examined results from 291 rigorous evaluations of corrections programs. Of 22 types of programs evaluated, positive findings emerged concerning 14, with average documented reductions in re-offending ranging between 5 and 31%. Particularly high average reductions were found for cognitive-behavioral programs in prisons and communities, adult drug courts, community-based drug treatment, treatment-oriented intensive supervision, and vocational education in prison.

Those findings are not unusual. The bulleted list below identifies a sizable number of other authoritative sources offering similar findings:

- The "nothing works" era is over: well run, well-targeted, and adequately funded programs have repeatedly been shown significantly to reduce re-offending.¹³

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¹² Aos, Miller, and Drake 2006, p.1

¹³ Welsh and Farrington 2006 provide the most up-to-date summary of the evidence.

- For nearly 20 years, meta-analyses of research on the effects of treatment programs in North America¹⁴ and Europe¹⁵ have consistently demonstrated significant positive effects on reduction of re-offending.
- Well-run, well-targeted programs have been shown in rigorous randomized experiments to be capable of reducing re-offending on average by 30%.¹⁶
- An exhaustive survey of evidence on treatment effectiveness by the English government concluded: “A reasonable estimate at this stage is that, if [treatment programs based on “What Works?” evidence] are developed and applied as intended, to the maximum extent possible, reconviction rates might be reduced by 5-15 percentage points (i.e., from the present level of 56% within two years to perhaps 40%).”¹⁷ Translated into percentage decreases, that is a predicted reduction of 10-30%.
- A sizable and rigorous literature on cost-benefit studies of the effectiveness of correctional treatment concludes that many programs save much more than they cost.¹⁸
- The U.S. Surgeon General, after an exhaustive survey of experimental research, concluded that well-run interventions for serious and violent offenders are effective.¹⁹
- A wide range of correctional treatment interventions, from literacy and vocational training through cognitive skills programs to interventions targeted on specific behaviors such as drug abuse and various kinds of sexual offending, has been shown to be effective.²⁰
- Research on intermediate sanctions has shown how managing offenders in the community can be more successful. Supervision, by itself, is not associated with decreases in recidivism, but supervision linked with appropriate treatment interventions can make a difference.²¹
- Since the mid-1980s, reviews of the effectiveness of drug treatment have consistently concluded that well-run drug treatment programs can reduce both drug use and offending by drug-dependent offenders.²²
- The most recent authoritative meta-analysis of the effectiveness of cognitive-behavioral interventions concluded that on average they decreased recidivism by 27%.²³
- Dr. James Bonta, a pre-eminent treatment evaluation specialist, has observed, “The evidence is persuasive. If we are to enhance community safety, offender rehabilitation programs that follow the principles of effective treatment are most likely to meet with success.”²⁴

We now understand the stakes for society, offenders, and victims; we also realize that we know how to make things better. We must improve how we prepare prisoners to return to the community—and to succeed when they get there. If many more of the hundreds of thousands of individuals leaving prison each year can successfully reintegrate into the community—avoiding new crimes, holding a job, supporting their families, and paying taxes—everyone will win.

PUTTING THE LESSONS OF RESEARCH INTO PRACTICE

The corrections field now has solid evidence of the kinds of programs that are effective in reducing the likelihood of re-offending. But the significant challenges of reentry will not be resolved simply by putting programs in place, no matter how well designed. Common sense alone dictates that offenders must be linked with programs appropriate to their specific needs and they must be motivated to participate. Further synthesis of the research has generated a set of

14 Lösel 1995; Lipsey and Wilson 1998.

15 Lösel and Kofler 1998.

16 Farrington and Welsh 2006.

17 Halliday, French and Goodwin 2001.

18 Aos, Phipps, Barnoski, and Lieb 2001.

19 U.S. Surgeon General 2001.

20 Sherman, Gottfredson, MacKenzie, Eck, Reuter, and Bushway 1997; Gaes, Flanagan, Motiuk, and Stewart 1999.

21 Petersilia and Turner 1993.

22 Anglin and Hser 1990; Mitchell, MacKenzie, and Wilson 2006.

23 Lipsey and Landenberger 2006.

24 Bonta 1996; Crime and Justice Institute 2005; Kennedy 2003-04.

principles to guide interventions to reduce recidivism.²⁵ They are about more than programs. They have implications for the management of offenders through incarceration, through planning for release, and beyond. Following is a brief description of the principles along with some of their implications for parole practice.

Assess actuarial risk and needs.²⁶ Not all offenders are alike. It is important to understand exactly what risk an offender presents and what needs must be addressed to reduce his or her likelihood of re-offending. Research-based and validated tools are available and coming into more common practice. Parole boards and parole supervision agencies can require and use such assessments to shape their practices regarding completion of required programs—both during incarceration and after. Such assessments can also be useful in determining both the timing and conditions of release.

Enhance intrinsic motivation.²⁷ For lasting change to occur, an offender must have some level of intrinsic motivation. By providing the opportunity for an accelerated release date and/or less restrictive conditions of release, parole boards can create incentives that will enhance prisoners' motivation to participate in targeted interventions that will increase their chances of success. Offenders' motivation for change in the community can be encouraged through prospects of reduced reporting requirements, loosened conditions, and early discharge. The research also demonstrates that interpersonal interactions can significantly enhance motivation. Parole hearings are critical events for offenders. They provide an opportunity to use the principles of motivational interviewing to encourage pro-social activities, sound preparations for release, and engagement in the process of change. Supervising officers, using these techniques, can turn routine interactions with offenders before and after release into interventions in themselves.²⁸

Target interventions according to the principles of risk,²⁹ needs,³⁰ and responsivity.³¹ In order to achieve reductions in recidivism, it is critical that effective interventions—matched to the offender's criminogenic needs—be targeted to higher risk offenders. Programs should address dynamic characteristics that can be changed and that are linked to criminal behavior. Valid and reliable assessments of risk and needs can be used to identify programs that should be completed before release, and shape supervision strategies upon release. Parole boards and supervision agencies routinely make critical decisions regarding what level of supervision is appropriate and when treatment should be required. Using risk and needs assessments effectively, parole can target interventions and add significantly to the reduction of recidivism.

Use cognitive behavioral methods when appropriate.³² Research on effective interventions with offenders indicates that cognitive-behavioral treatment strategies are particularly promising. These programs involve staff who understand antisocial thinking, social learning, and appropriate communication techniques. Skills are not just taught, but practiced or role-played and pro-social attitudes and behaviors are learned, practiced, and positively reinforced. Paroling authorities and supervision agencies should ensure the availability of these type of interventions, use incentives to encourage offenders to participate in them, and educate their criminal justice partners about the importance and effectiveness of such efforts.

*“...the
research has
generated a set of
principles to guide
interventions to reduce
recidivism.”*

25 *Crime and Justice Institute 2004.*

26 *Andrews, et al 1990; Andrews and Bonta 1998; Gendreau, et al, 1996; Kropp, et al 1995; Clements 1996.*

27 *Miller & Rollnick 2002; Miller and Mount 2001; Harper and Hard 2000; Ryan and Deci 2000.*

28 *Taxman 2002.*

29 *Gendreau and Goggin 1997; Andrews and Bonta 1998; Harland 1996; Sherman, et al 1998; McGuire 2001.*

30 *Andrews and Bonta 1998; Lipton, et al 2000; Elliott, et al 2001; Harland 1996.*

31 *Miller and Rollnick 2002; Gordon 1970; Williams, et al 1995.*

32 *Milhalic, et al 2001; Miller and Rollnick 2000; Lipton, et al 2000; Lipsey 1993; McGuire 2001; Aos, et al 2001.*

Increase positive reinforcement.³³ People are much more likely to alter their behavior in response to positive rather than to negative reinforcement. Research indicates that a ratio of at least four positive to every one negative reinforcement appears to be optimal for promoting behavioral changes.³⁴ Paroling authorities and supervision agencies—if they reorient their thinking from sanctions and surveillance—can utilize positive reinforcement to encourage behavior change and accomplishment of pro-social goals leading to successful reentry.

Engage ongoing support in natural communities that replace anti-social networks of people, places, and things with pro-social alternatives.³⁵ Parole agencies should use evidence-based practices to fix requirements for preparation prior to release, set and alter conditions over time, and encourage involvement in prosocial networks at every stage in the process. Parole agencies are beginning deliberately to involve pro-social family networks and associates of offenders in the community as they prepare for release and then move into the community. This multiplies the resources available to reinforce positive behavior and support offenders during their time of transition and beyond.

Measure relevant processes/practices.³⁶ This principle calls for gathering information about offender change—and staff performance as well. It is a way to learn about practices and to garner feedback about how well we are accomplishing our goals. Parole stakeholders can support, encourage, and participate in measurement and evaluation to improve practice.

Provide measurement feedback.³⁷ Providing feedback to offenders about their progress and performance is an important part of encouraging change and sustaining motivation. Both parole boards and parole supervision agencies are in a position to provide such feedback in the context of parole hearings, supervision visits, and program activities.

If our collaborative efforts at reducing recidivism and increasing successful reentry are to accomplish the desired increases in public safety, the entire criminal justice and reentry endeavor must be guided by these principles. Parole boards and parole supervision agencies have critical roles to play in this pursuit.

³³ Gendreau and Goggin 1997; Meyers and Smith 1995; Higgins and Silverman 1999; Azrin and Besalel 1980; Bandura et al 1963; Bandura 1996.

³⁴ Crime and Justice Institute 2004.

³⁵ Azin and Besalel 1980; Emrick et al 1993; Higgins and Silverman 1999; Meyers and Smith 1997; Bonta, et al 2002; O'Connor and Perryclear 2002; Meyers, et al 2002.

³⁶ Henggeler et al 1997; Waltz et al 1993; Hogue et al 1998; Miller and Mount 2001; Gendreau et al 1996.

³⁷ Agostinelli et al 1995; Alvero et al 2001; Ludeman 1991; Zemke 2001; Elliott 1980.

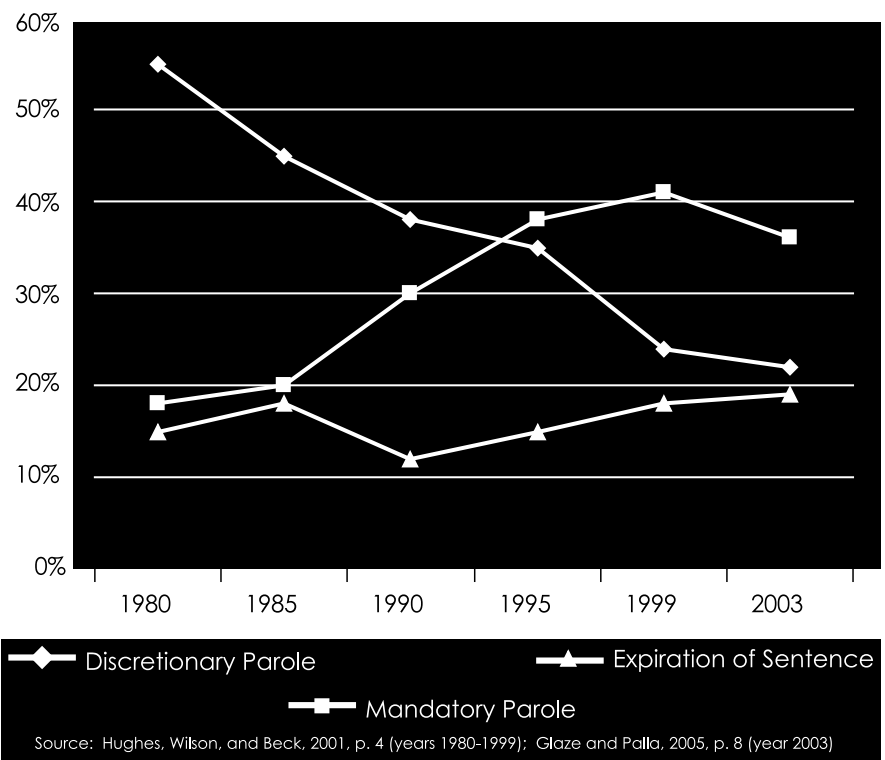
THREE

PAROLE IN 2006—A CENTURY OF EVOLUTION

It seems that parole boards and supervision agencies are especially well placed at the juncture between prisons and the community to be part of an effective reentry effort. In many cases they already have responsibilities that reach backward into the prison to collaborate in release planning, and forward into the community to influence post-release management of offenders and responses to parole violations. Now we will consider both the strengths and challenges facing parole, given its role in an evolving criminal justice system in recent decades.

Although most states retain parole boards, discretionary release has fallen into relative disuse. Prior to 1980, almost two-thirds of releases from prison nationally resulted from parole board decisions. Since 1999, fewer than a third of all releases from prison result from parole board decisions and in some states the proportion is much smaller.³⁸ (See Figure 3.) That reduction resulted partly from statutory changes eliminating parole release for some or all prisoners, and partly from parole boards' increasing reluctance to release prisoners before their sentences expired. Similarly, parole supervision, while still in place, has suffered from diminishing resources and a shift from a service to a surveillance orientation. Why has that been the case? When parole was invented more than a century ago, its proponents used language to describe

Figure 3:
Releases from State Prison by Method of Release, 1980-2003



38 Hughes, Wilson, and Beck 2001.

parole's functions that is very similar to that now used to describe the aims of successful reentry.³⁹ On the basis of reviews of prisoners' records and their behavior in prison, parole boards were meant to make individualized decisions as to whether prisoners should be released. For those released, based on review of the prisoner records, parole boards were to set conditions to be observed on release, and parole officers were to supervise their observance. Parole boards had authority to revoke the parole of those who failed to comply with conditions.

Beginning in the 1970s, a significant transformation in thinking about the purposes of criminal sentences, coupled with disillusionment with correctional programs, brought about massive changes in sentencing and corrections. Parole lost credibility and moved to the margins of the criminal justice system where, in many jurisdictions, it remains. Ironically, the challenges of reentry bring back to mind many of the initial interests of parole—assessing the needs and risk of offenders, individualizing sentences, and creating incentives for behavior change. Parole retains the potential of accomplishing these ends—because of its location in the system and its remaining areas of discretion and authority. Equipped with the lessons of new research, using empirically based assessments, and working in collaboration with system partners, parole may well succeed in accomplishing those initial goals.

What distinguishes this new interest in reentry, however, from the original interest in rehabilitation is its focus on both the offender and community safety. Today's reentry efforts—and parole's part in them—are seeking offender success to enhance community safety. This balanced perspective is garnering widespread support for such efforts. This perspective is also critical to defining parole's role in such efforts.

THE REHABILITATIVE IDEAL

A brief look at the major stages of evolution in sentencing and corrections in America provides a helpful perspective for this call to action. Things do change—they have changed dramatically in the past. We can bring about dramatic change again.

The first regular use of imprisonment as a primary means for punishing criminals, in Philadelphia's Walnut Street Jail, is usually attributed to 18th century American Quakers. Sentences to a penitentiary (so named, in recognition of the hope that reform would result from a period of reflection and penitence) were seen as a humane alternative to corporal and capital punishment. Most of the other major American criminal justice institutions, including probation, parole, the reformatory, and the juvenile court, were invented in the ensuing hundred years and all were premised on what later became known as the rehabilitative ideal, the idea that the criminal justice system should attempt to rehabilitate as many offenders as it could.

During what has become known as the Progressive Era, running roughly from the 1870s to the 1930s, reformers believed that criminality was not the product primarily of offenders' personal moral failures. Instead they looked to the environmental conditions in which offenders had been shaped, and to a lesser extent to deficiencies in offenders' attributes, capacities, and personal skills. Crime, on this account, was a symptom of an underlying and usually remediable problem, and the most appropriate response to crime, accordingly, often should be to identify the problem and solve it. A sentence, under this scheme, must be flexible enough to be tailored to the individual.

Thus was born the idea of the indeterminate sentence. Judges would set a prison sentence—usually expressed as a range between a minimum, the earliest possible time of release, and a maximum, when the sentence expired and the prisoner had to be released—based on the offender's crime and circumstances, and using individualized pre-sentence reports. Prison officials were meant to tailor programs to those needs and parole boards were to set release dates on the basis of an offender's individual progress. Release conditions were also to be individualized and, depending on whether a sentence was to confinement or to the community, parole or probation officers were to oversee conditions of release and an individualized treatment plan.

There were a number of major problems with this system, some inherent and some resulting from the passage of time. The principal inherent problems were that the law seldom did and seldom could keep its rehabilitative promises, and that credible knowledge of how to rehabilitate offenders was not available. Only in a few places and at a few times were sufficient resources ever invested in corrections even to pretend to keep indeterminate sentencing's

³⁹ Rothman 1980.

promises. And, as famous studies by Robert Martinson in the United States and Stephen Brody in the United Kingdom showed, at least through the 1970s, there was little credible evidence that treatment programs of any kind worked.⁴⁰

In addition to drawing skepticism about the effectiveness of treatment, the indeterminate sentence drew criticism because of what became seen as “arbitrary and capricious decisionmaking” by parole board members and judges. Without objective standards, these individualized decisions were hard to understand, and impossible to review. Judges and parole boards were accused, with some justification, of making decisions about offenders’ sentencing and release on the basis of little more than personal idiosyncrasy. Broad discretion is vulnerable to conscious and unconscious bias and both judges and parole boards were charged with producing sentences that were unjustifiably disparate and racially biased.

With insufficient resources, unproven rehabilitation programs, and concerns about bias, in retrospect, it is not surprising that indeterminate sentencing fell out of favor in the 1970s.

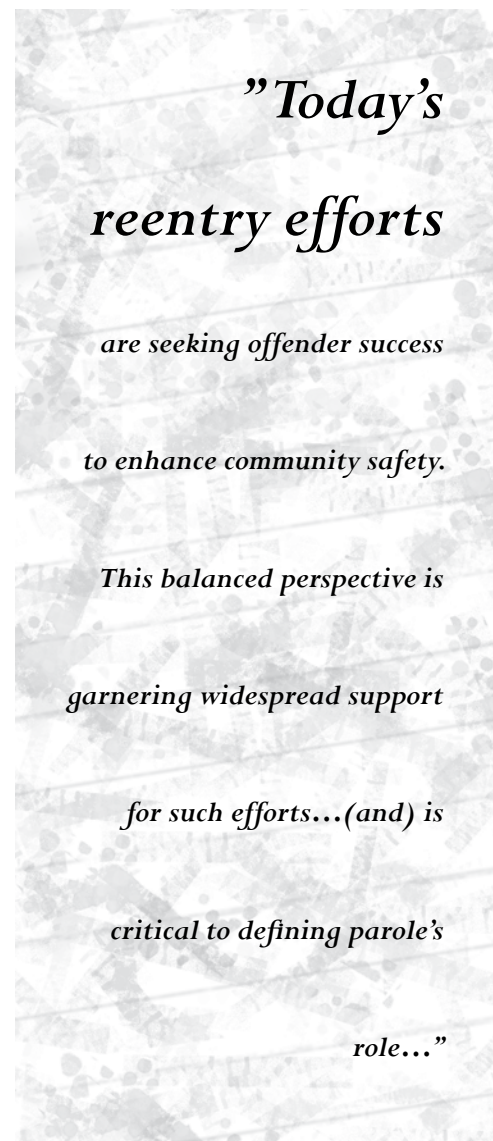
JUST DESERTS

These shortcomings undermined the credibility of indeterminate and individualized sentencing generally, bringing sentencing guidelines, mandatory minimums, truth in sentencing, and three-strikes laws in their wake. Rehabilitation as the primary purpose of punishment lost out to retribution, or “just deserts,” or the “justice model.”

During the 1970s and 1980s, legislatures in more than a dozen states significantly changed their sentencing laws to move toward desert-based approaches, emphasizing greater determinacy, proportionality, and consistency in sentencing as goals. Determinate sentencing laws, often coupled with the elimination of discretionary parole release, typically called for prison sentences, whose duration was known when they were imposed, proportioned to the severity of the crime committed, and seeking to achieve similar sentences for similarly situated offenders.

DETERRENCE AND INCAPACITATION

During the late 1980s and 90s, the just deserts approach gradually gave way to approaches based on theories of incapacitation and deterrence, with much less concern for equity and proportionality. While the early proponents of the justice model⁴¹ urged that imprisonment was a serious punishment to be used sparingly—and that most offenses deserved a community sentence—pressure to make punishments harsher was uncontainable. A plethora of mandatory minimum sentence, three-strikes, and truth-in-sentencing laws followed. With them, the prison population, the incarceration rate, the costs of building and operating prisons, and lack of faith in rehabilitation grew. Lengthy and mandatory sentences were envisioned to reduce crime by deterring would-be offenders. It was thought that time in prison would incapacitate offenders and keep them from committing new crimes once outside prison walls. With little faith in the capacity of rehabilitative programs, and freed from the proportionality limits of desert-based approaches, pressures to lengthen sentences and toughen punishments in the names of deterrence and incapacitation



⁴⁰ Martinson 1974; Brody 1976.

⁴¹ von Hirsch 1976.

proved irresistible. As a result, the American imprisonment rate has more than quadrupled since 1973, and now exceeds 725 per 100,000 population, 5 to 10 times higher than that of any other Western country.⁴²

PAROLE'S DECLINE

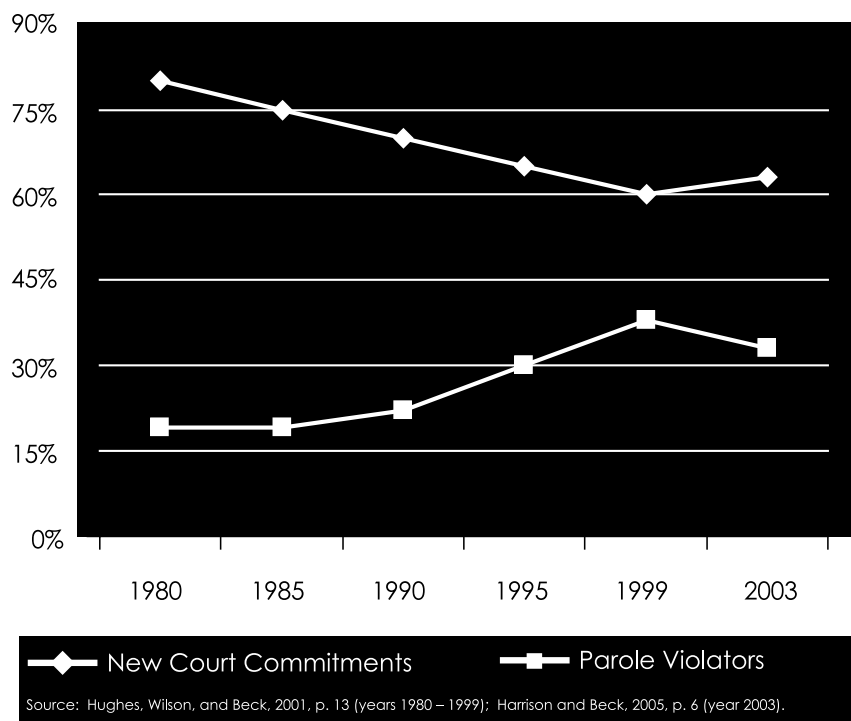
In some states, parole became symbolic of an earlier, “softer” approach to crime. Denigrating parole was a tactic used by politicians trying to establish their tough-on-crime credentials. Then-candidate George Allen made abolition of parole a main plank of his 1993 campaign for the Virginia governorship, falsely accusing the parole board of shortening sentences. He implied that releasing people from prison before their sentences expired was letting criminals out early. This was the argument—and is often a criticism leveled at parole—even though

Virginia’s indeterminate sentencing system, like all others, was premised on the ideas that parole boards make individualized release decisions after prisoners serve a specified minimum sentence and that most prisoners will be released before the expiration of their sentences. By the mid-1980s, parole boards’ release authority was eliminated or greatly cut back in 15 states. In states in which parole survived relatively unchanged, such as Alabama and Pennsylvania, parole boards became steadily more risk averse after the 1970s, releasing fewer and fewer inmates before their sentences expired, and holding those who were released for larger portions of their

maximum sentences. To show their toughness, parole agencies in many states greatly increased the rates at which parole was revoked and parolees were re-imprisoned. In 2001, for example, parole revocations made up nearly 40 % of state prison commitments.⁴³ (See Figure 4.)⁴⁴ Of inmates released from California prisons in 1995, 66.7 % were recommitted by 2001, more than half for technical violations of release conditions.⁴⁵

At the same time, the staggering costs of dramatically increased incarceration (\$40,000-\$50,000 per prisoner per year) have limited resources for in-prison programs targeting educational deficits, addiction, mental health problems, job skills, and employability—the very skills and services we know are essential to success. Elimination of discretionary parole for many offenders has reduced incentives to participate in what programming is left, and has removed the parole board’s ability to encourage preparation for release and to target post-release resources where they can most effectively be invested.⁴⁶

Figure 4:
Admissions to State Prison, by Type of Admission, 1980-2003



⁴² Tonry 2004

⁴³ Blumstein and Beck 2005, Figure 3.3.

⁴⁴ Hughes, Wilson, and Beck 2001, p. 13 (years 1980 – 1999); Harrison and Beck, 2005, p. 6 (year 2003).

⁴⁵ Blumstein and Beck 2005, Figures 3.7 and 3.8.

⁴⁶ Petersilia 2003.

As high revocation and recommitment rates show, parole release and supervision in some states became little more than keeping individuals incarcerated for longer periods of time and, upon release, conducting surveillance and monitoring compliance with conditions. Indeed, a recent publication by the Bureau of Justice Statistics confirms that during the 1990s, individuals released by parole boards served longer periods of time in prison than those released by mandatory parole. “Among discretionary releases, time served rose for all types of offenders during the 1990s.”⁴⁷ It is fair to say, then, that through the 1980s and 1990s, parole release and supervision evolved—along with the rest of the American criminal justice system—into an entity that focused primarily on exacting punishment and incapacitating offenders. In light of this, it is interesting to consider a recent report titled, *Does Parole Work?* The report, holding out recidivism reduction as the standard by which parole supervision in recent decades should be measured, concludes, that “...supervision does not work as well as it should...”.⁴⁸ If one examines parole’s performance during that time period, against the mainstream goals of sentencing and corrections, a different conclusion can be drawn. Time served increased; parole releases decreased; and revocations to prison increased dramatically. During that time frame, parole was very much in step with the larger sentencing paradigm—and quite effective, at that.

But that larger sentencing paradigm is changing. The growing interest in reentry and the weight of research demonstrate that we possess the knowledge, tools, and ambition to reduce re-offending rates and increase successful reentry. This goes beyond an exclusive focus on punishment and incapacitation and suggests a need for a new role for parole, one that has as its hallmark different measures of success: from persons held in prison to persons successfully prepared for release; from the number of persons revoked from parole supervision to the number of persons who have succeeded.

The idea that helping offenders live law-abiding lives is in the interests of community safety is now an idea in good currency. Americans and their political leaders are no longer single-mindedly committed to toughness and are much more convinced that efforts to help released prisoners live law-abiding lives are worth both the work and the money. The rapid growth of the reentry movement demonstrates this as do the drug court movement and the related development of mental health and domestic violence courts. Referenda adopted in California and other states requiring that many first and second time drug-using felons be diverted from prosecution to treatment illustrate the contemporary power of this idea. So does the proliferation of restorative and community justice initiatives throughout the United States. And so do public opinion survey findings showing that Americans would rather spend tax dollars on treatment programs than on prisons and believe that rehabilitative efforts are better crime preventatives than harsher penalties.⁴⁹

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⁴⁷ Hughes, Wilson, and Beck 2001, p. 7

⁴⁸ Solomon, Kachnowski, and Bhati 2005, p. 17.

⁴⁹ Hart Research Associates Poll results summarized in Tonry 2004, pp. 34-36.

LESSONS OF EXPERIENCE

But before we turn our attention to the specifics of parole's current challenges and assets, what have we learned from the evolution of sentencing and corrections that can help us move forward?

- As a community, we have begun to understand that the key question is not whether an individual will be released from prison, but when, and with what assets to encourage success, and with what supervision and support.
- We have begun to understand and accept the notion that successful offender reentry means community safety.
- A growing body of research has demonstrated that incarceration per se does not make an individual less likely to commit crimes once released.
- Some interventions, when targeted on the right offenders, can significantly reduce prospects for re-offending.
- Tools are available, based on sound research, that provide reliable assessments of risks and needs. These tools enhance the capacity for identifying the appropriate timing of release, along with treatment and supervision strategies that will increase successful reentry.
- Overcoming major barriers to successful reentry—those relating to housing, employment, substance abuse, mental illness, and the need for community services and informal support networks—requires the participation of many actors and agencies if reentry programs are to succeed. Hence, we must overcome the fragmentation that has characterized our efforts so often in the past.

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- As we have moved from rehabilitation to desert to incapacitation, it seems that each focus for sentencing and corrections has its limitations. By acknowledging that we have multiple goals for sentencing and corrections—holding offenders accountable, supporting successful reentry, and community safety—we can be more effective.

READINESS AND TOOLS FOR CHANGE

If parole is to play the significant role in reentry efforts that will bring it into step with this new paradigm, it must also embrace a new vision and mission. Is parole equipped to do so?

We have sketched the history of how parole has lost much of its discretion and evolved away from its original focus on changing offender's likelihood of reoffending. It is also the case that parole has received little focus from scholars and researchers since the 1970s,⁵⁰ and even less funding to develop research-based tools and specialized expertise necessary to keep pace with increases in knowledge about effective interventions. Despite these challenges, there are encouraging indicators that parole is positioned to embrace the renewed vision and mission of successful offender reentry. Paroling authorities and parole supervision agencies have leverage over an astonishing proportion of individuals returning to the community from prison. In addition, an extensive infrastructure is in place, parole's traditional role and focus lend themselves to the reentry mission, and a number of promising innovations are underway.

Parole authorities as a key pressure point in the system. In the course of one year, the roughly 200 individuals⁵¹ who make up state paroling authorities in the United States are responsible for determining the timing of release on parole and determining the conditions of release on parole for 128,708 offenders.⁵² During that same year they are responsible for setting conditions of release for an additional

⁵⁰ Major exceptions are Petersilia 2005 and Reitz 2004.

⁵¹ Association of Paroling Authorities International 2004.

⁵² Hughes, Wilson, and Beck 2001, Table 3.

288,679 individuals released on mandatory parole and conditional release.⁵³ They are also responsible for overseeing compliance with conditions and responding to petitions for revocation for all 643,452 individuals on parole on a given day during that year.⁵⁴ Over the course of the year, they also send 227,690 individuals to prison as a result of parole revocations,⁵⁵ more than a third of all admissions to prison.

The daunting part of this picture is that there are no nationally recognized qualifications for this profession that could guide governors in their appointments. There is significant turnover in the field as members typically have limited terms. Training is limited to a few seminars per year funded by the National Institute of Corrections and offered by the Association of Paroling Authorities International. Many paroling authorities have no staff to speak of, no access to research assistance, and rely on part time members.

However, if this relatively small group of parole professionals can be equipped with the new skills, knowledge, tools, staff, and resources commensurate with their potential leverage over reentry, they can be powerful and effective partners in the reentry effort.

Tradition and Experience. Parole's traditional responsibility has been the assessment of readiness for release, creating incentives and directives to assure such readiness, and supervision after release. And at its birth, parole embraced the importance of encouraging offender success. In addition, many parole boards have a history of using risk assessment tools as part of reviewing cases for release. Many states have also had significant experience crafting and implementing decision-making guidelines that combine ideas about appropriate punishments with assessments of risk and needs and knowledge about effective interventions. Were those roles to be re-asserted and strengthened, with appropriate support, parole's unique position at the boundary between the prison and the community potentially makes it the linchpin of successful reentry.

Victim Issues. As we move toward more effective reentry strategies, it will continue to be important to keep the interests of victims—both for restoration and for future safety—at the center of the discussion. In fact, parole has been an early and enthusiastic proponent of victim concerns. From the point of view of victims, parole boards put a human face on reentry. Parole boards have made significant strides in keeping victims informed and in creating opportunities for victims to be heard in the parole release decision making process. In fact, 96% of paroling authorities and/or correctional agencies notify victims of offenders' parole hearings and release.⁵⁶ Similarly, parole supervision agencies, working with prison staff and parole board members, have developed ways to integrate victim safety and input into their supervision strategies. The victim's involvement in a reentry initiative can become a powerful incentive for the involvement of others in the community, including policy makers.⁵⁷ Collaborative investments in offenders through rehabilitation, job training, substance abuse and mental health treatment, and victim involvement can lead to a reduction in recidivism and the prevention of future victimization. This factor alone accounts for much of the support among crime victims and those who serve them for reentry initiatives that will ultimately reduce the number of victims in America.⁵⁸

Promising Innovations. Some parole boards have anticipated the current challenge of reentry and have managed to innovate and adapt to emerging knowledge—without much external support or encouragement.

Austin and Fabelo report on initiatives of paroling authorities in Connecticut, Kentucky, Maryland, New Mexico, and Texas, where—using research based tools—advances have been made in reducing admissions as a result of violations and reducing populations.⁵⁹

Other paroling authorities have also been successful in developing strategies for responding to violations that identify high-risk offenders for return, and in identifying other offenders for more problem-solving responses. Recent efforts in three states—jointly led by the paroling authority, institutional corrections, and the parole supervision

⁵³ *Ibid.*

⁵⁴ *Ibid.*, Table 1

⁵⁵ Harrison and Beck 2005. Total admissions quoted in press conference releasing the report found at <http://www.ojp.usdoj.gov/bjs/pub/press/p03pr.htm>

⁵⁶ LIS, Inc. August 2004.

⁵⁷ Lehman, et al 2002.

⁵⁸ Seymour 2001.

⁵⁹ Austin and Fabelo 2004.

agency—have demonstrated the ability of such efforts to decrease admissions to prison as a result of technical parole revocations. Georgia, Kansas, and New Jersey reported positive changes in the number of violations resulting in prison admission as a result of their work on developing improved approaches to violations.⁶⁰ These are models and experience upon which to build.

In recent years, a number of parole supervision agencies have explored “case management” approaches to supervision. Maryland’s Proactive Supervision initiative is a good example.⁶¹ This casts the parole officer as an agent of change, linking the offender with effective interventions, engaging him or her in the process of change, and viewing successful reentry and transition into the community as a driving goal. These explorations have deliberately sought to integrate the principles of evidence-based practice into the supervision of offenders in the community, to enhance success.

Revisiting discretionary parole release. It exaggerates to say there is a groundswell of support for expanding discretionary parole release, but expansion of such discretion is under discussion in some circles, and there are a few examples of such expansion in practice. Joan Petersilia, in *When Prisoners Come Home* (2003), her influential book on reentry, asserts that “we should reinstitute discretionary parole release in the states that have abolished it, and reverse the trend toward automatic mandatory release in the states that are moving in that direction.” She points out that prisoners released through discretionary parole have higher rates of success than those released automatically, when their sentences expire, even when controlling for the type of crime, criminal history, and personal characteristics.⁶²

Recent statutory changes in a few states have expanded the discretion of their parole boards. In 1998, Michigan changed its laws requiring life sentences for some cocaine offenses to establish parole eligibility after 20 years (with a serious prior criminal history), otherwise after 17 and one-half years. The offender’s cooperation with law enforcement can lower these time limits further. In that same year, Rhode Island gave its parole board responsibility for setting community supervision conditions for certain sex offenders. In Mississippi, since 2001, first-time offenders convicted of non-violent offenses after January 1, 2001, are eligible for parole after serving a quarter of their sentence; before that they were required to serve 85%. In 2004 Connecticut authorized the chair of its parole board to release offenders granted parole who are within 18 months of the established parole release date. Once released, the offender is under Department of Corrections supervision.

Current involvement in reentry efforts. Paroling authorities and supervision agencies are already participating in reentry efforts in a number of states. In Michigan, which has been involved in what it terms the Michigan Prisoner Reentry Initiative (MPRI) for several years, the Chair of the Michigan Parole Board has been involved in policy discussions from the beginning. The National Institute of Corrections in its Transition from Prison to the Community (TPC) initiative routinely includes paroling authorities and parole supervision agencies in its state level policy teams.

⁶⁰ Burke 2004.

⁶¹ Taxman 2002.

⁶² Petersilia 2003, p. 17.



FOUR

AN AGENDA FOR ACTION

Given this readiness for change, tools in place, and efforts already underway, what more will it take to equip parole to be a full and effective partner in reentry efforts? Following is the call to action.

FOR ALL CRIMINAL JUSTICE POLICY MAKERS

First, and foremost, key agencies and actors—parole among them—must embrace the vision of community safety through successful reentry. This may require specific changes in legislation or the language of agency vision and mission statements. Forums for collaboration must be created at the state policy level to assess current practices and problems and be empowered to make necessary changes. State parole boards and parole supervision agencies must be among the participants—with renewed authority and expanded resources. Reentry efforts must reach to the local level, creating venues for collaboration that welcome both public and private agencies. Resources must be available to develop research-based decision tools, analyze current practices and reentry populations, and enrich training and professional development.

Criminal justice partners must develop a shared offender case management system supported by electronic capacity to share and update information on individual offenders. This would be available from the time an offender is admitted to prison (or before) through assessment, programming, and preparation for release, and then into the community. Each agency would have a role in and access to such a system, using the case management system and individual offender plans to set goals for individual offenders and collaborate in helping offenders reintegrate successfully into the community. If the fragmentation that now characterizes reentry is to be overcome, and if we are to benefit from the lessons of research, such a system must be in place.

Develop meaningful partnerships between paroling authorities and state prison officials to manage available in-prison resources to enhance successful transition and reentry. At present, paroling authorities may recommend programs they feel are important for offenders to complete prior to release—programs that address criminogenic risks and needs. However, only rarely do such recommendations influence the availability of such resources or a particular offender's access to them.

FOR PAROLING AUTHORITIES AND PAROLE SUPERVISION AGENCIES

If the action agenda stated here is to be realized, there are things paroling authorities must do.

Develop and use research-based decision tools. The need for good risk assessment and needs assessment tools is well understood and accepted in the parole community. However, too few parole agencies actually use valid, reliable risk assessment protocols that differentiate potential parolees into groups with significantly different rates of expected success and failure. Development of such tools is essential if parole is to play its linchpin roll in improving reentry. Paroling authorities and parole supervision agencies need to work closely with researchers and technical experts to develop such tools, so that the decision makers who use them understand and have confidence in them.

Having better risk and needs assessment tools, however, can be but a first step. It will be important to develop

policy frameworks that express the best thinking of the paroling authority and the supervision agency on appropriate dispositions and decisions. Early research on parole decision guidelines showed that they can be effective tools in achieving parole boards' policy goals.⁶³ Release guidelines can reduce time-served disparities among similarly situated offenders. Decision guidelines can serve other policy goals as well. Similar guidelines addressing responses to parole violations must also be developed. The experience of a number of parole systems with the development of guidelines for parole violations indicates that these can be useful tools in assuring desired outcomes when considering parole violators.

Target interventions by risk and need—especially for higher risk offenders. The research tells us that we can identify groups of offenders with very different anticipated rates of success and failure. Paroling authorities, in collaboration with prison officials, and parole supervision agencies should target in-prison programming on higher risk offenders, using their leverage to increase offenders' participation. Similarly, paroling authorities should target stringent conditions of parole and links to community interventions on higher risk offenders, based on empirical risk assessment, not on individual judgments about risk. Levels of supervision, links to programs, and interactions with offenders should be targeted on higher risk offenders.

Target interventions by risk and need—especially for the lowest risk offenders. The other lesson of the research—often overlooked—is that a significant proportion of offenders will succeed without further intervention from the system. In fact, research demonstrates that we run the risk of increasing the likelihood of failure if we involve them in extensive programming.⁶⁴ Paroling authorities, with their partners in prisons and community supervision, should agree to adopt a strategy of minimal intervention with these offenders. They should be released as early as possible after appropriate punishment is served, conditions of supervision should be minimal, limited criminal justice program resources should not be directed to them, and they should be discharged as early as possible from post-release supervision. This will make more resources available for higher risk offenders—permitting a greater impact on recidivism, even within existing funding limitations.

Create incentives for successful reentry. Preparation for reentry should begin soon after admission to prison when it is possible to oversee and manage activities early during incarceration, review risk and need assessments, and begin to plan programming during and following release. Once such a plan has been developed, parole boards can set anticipated release dates, assuming completion of those elements of the plan that should be completed prior to release.⁶⁵ This will allow parole supervision agencies to begin “in-reach” into prisons as a way to prepare for release, activating informal networks of support, and creating bridges to appropriate resources. Earlier release dates, fewer strictures in the community, and the possibility of early discharge can act as incentives for offenders to engage in programs and behaviors that we know can reduce the likelihood of re-offending.

Set conditions and manage them to encourage success. Parole boards should develop an approach to setting parole conditions—and parole supervision agencies should develop an approach to managing conditions—that will encourage success. Boards should focus conditions on risk and needs, requiring participation in interventions that explicitly address assessed risk and criminogenic needs. They should target higher risk offenders for greater constraints, keeping requirements for low-risk offenders to a minimum. Similarly, parole supervision agencies should develop intermediate and problem-solving responses to violations of parole, reserving revocation for the higher severity violations and higher risk offenders.

Develop sensible approaches to parole violations. An important first step for parole in reentry management is to analyze critically its handling of violations—within the supervision agency from the line level to top management, and within the paroling authority. Clear policy, designed to differentiate technical violations by severity and by risk posed by the offender, is an important tool for encouraging successful reentry. Published and Web-based resources are available to help parole agencies undertake a thorough review and strengthening of their violation practices.⁶⁶

⁶³ *Burke and Lees 1981.*

⁶⁴ *Lowenkamp and Latessa 2005.*

⁶⁵ *Because parole release is a “grace” or “privilege” rather than a right, setting such a tentative release date need not create a “liberty interest” nor require further due process.*

⁶⁶ *Burke 2004.*

Move beyond supervision to offender case management and supervision. Supervision by itself does not reduce recidivism.⁶⁷ The research on this is clear. Supervision combined with effective interventions—targeted by risk, needs, and responsivity—can reduce recidivism. A sizable literature outlines the importance of organizational development, collaboration, and redeployment of program resources if an organization is truly to implement evidence-based practice. This is a significant challenge, but meeting it will help parole supervision agencies accomplish their reentry mission. A key element in making a difference—and benefiting from the lessons of evidence-based practice—is to re-deploy resources to assure that effective interventions are available. Another will be to define parole’s responsibilities as offender case management and supervision, as opposed to a singular focus on supervision. This goes well beyond a focus on assuring compliance with conditions of supervision, and meeting contact standards. Offender case management and supervision focuses on engaging the offender in the process of change, targeting interventions to identified levels of risk and needs, and defining successful completion of supervision as the desired outcome.

Develop new skills and competencies. The skills, competencies, and performance measures required of staff engaged in offender case management are quite different from those required by staff who are primarily involved in surveillance and monitoring. Significant work will have to be done to develop new skills and competencies, to set appropriate standards of supervision, and to articulate a clear understanding of the mission of reentry.

Making reentry parole’s focal role will require the development and maintenance of new, specialized skills and knowledge. Members of parole boards and parole supervision agency staff will need to be well informed on the most current and promising approaches to risk assessment and on targeting interventions on the basis of risk, needs, and responsiveness. They must become informed consumers of research and partners with research and technical staff in constantly shaping and re-shaping policies, procedures, and tools.

Emerging knowledge about specialized offender groups, including sex offenders, mentally-ill offenders, and developmentally-disabled offenders is another priority area for professional development and training. These groups present specialized risk and needs, and often require specialized interventions and management strategies. Parole board members and supervision staff must be aware of the challenges posed by different sub-populations and the special challenges their transition from prison to the community sometimes presents.

Parole board members and supervision staff must also have up-to-date awareness of resources and policies within correctional institutions and in the community. Parole boards need access to this information in order to set reasonable expectations for offenders’ participation in programs and to target resources to appropriate levels of risk and need. Supervision agencies need this information to link offenders with appropriate resources upon release.

FOR STATE LEGISLATIVE BODIES AND GOVERNORS

Paroling authorities and parole supervision agencies cannot achieve reentry’s goals without resources and authority that only legislators and governors can provide.

Designate reentry as a core mission for parole. Denying parole release, setting numerous conditions, and quickly revoking non-compliant offenders will rarely spark public criticism. Working on successful reentry entails certain risks. A high profile crime by a paroled offender, for instance, can generate public criticism of the paroling authority, and pressure to deny parole to others. Unless key state leaders embrace efforts to enhance successful reentry, it will be difficult for parole to accept the risks of their evolving role.

Increase resources for professional development of boards and supervision agencies. The challenges facing parole require a thorough familiarity with emerging research on risk and needs assessment, effective interventions, and the latest approaches to collaboration. Training and professional development, both for paroling authority members and for supervision agency staff and management, should be an important and well-resourced element of every state’s approach to transition and reentry.

Increase resources for development of research-based assessment and effective treatment programs. In an era of tight budgets and fiscal constraints, arguing for more resources is difficult. However, savings

⁶⁷ Petersilia 1999.

garnered from ending programs that have not proven effective, even modest reductions in prison admissions, and identifying low risk offenders for whom resources are not required should garner savings that can be re-channelled.

Provide paroling authorities with reasonable case decision loads, suitable staff support, and support for their work as policy makers. Individual board members may act on thousands of cases per year. Staff is typically limited, as are opportunities for board members to work together on policy matters—over and above their case decision making duties. If paroling authorities are to be effective partners in the transition and reentry effort, they must be adequately resourced in terms of the numbers of members, staff support, and opportunities for collaborative work among themselves and with other criminal justice stakeholders.

Consider expanding discretionary parole release so that a greater proportion of offenders coming out of state prisons do so as a result of the decision of a parole board. Sentences can be structured to create upper and lower boundaries of expected time to be served. Such boundaries can ensure that the incarceration time to be served is within the range of what is deserved for the crime, based on its seriousness, harm to the victim, and the culpability of the offender. However, by allowing release discretion within that range, such a sentencing scheme provides incentives that can be used to increase offenders' willingness to participate in treatment and engage in the process of change.

Expect and require interagency collaboration and reentry partnerships that include paroling authorities, parole supervision agencies, and other key parole stakeholders. Governors and state legislators should expect, require, and support collaborative partnerships among all agencies with a stake in reentry. Some states have begun forming specific cabinet-level partnerships, a promising example to observe and follow. In those states where labor unions represent significant proportions of parole staff, these organizations must be brought into collaborative discussions.

Carefully examine currently mandated standards for appointment to each state's paroling authority to bring them more into line with guidance from the Association of Paroling Authorities International and the expectations outlined in this *Call to Action for Parole*. Making thoughtful decisions about release timing and conditions requires judgment, experience, and knowledge. States not already doing so should set and apply appropriate standards that must be met before anyone is appointed to a paroling authority.

Expect and require performance data that measure the effectiveness of these efforts. It is imperative that we begin measuring the effectiveness of efforts so that we can continue to improve outcomes and manage resources wisely.

FOR NATIONAL LEADERSHIP AND FUNDING ORGANIZATIONS

Various national organizations and others have important roles to play.

The National Governors' Association should endorse the need for professionalism in paroling authorities and support for them as critical partners in the reentry planning arena. This is an important venue for governors to identify priorities for their support and involvement and can influence the priority assigned to this endeavor by states' chief executives.

Support the work of retooling supervision agencies for offender case management. While individual states, hopefully, will be setting to work on this task, there is an argument to be made that a national resource to support this transformation would multiply efforts, eliminate duplication, and allow the lessons of experience to be shared across states.

Support a substantial effort to equip the roughly 200 individuals who make up paroling authorities nationwide with the new skills, knowledge, perspectives, and tools required to be effective reentry partners. Earlier sections of this paper have emphasized the enormous potential leverage paroling authorities and parole supervision agencies have on the reentry mission. Resources available to assist these agencies to prepare for and embrace the reentry mission are scarce. A national investment in this area could pay major dividends in terms of enhancing public safety, reducing the costs of unnecessary incarceration, and reducing human suffering.

Expand federal funding and involvement in providing resources for technical assistance, research, and evaluation to state paroling authorities and parole supervision agencies for their work on reentry issues.

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